

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GERRY SHARROB HAMPTON,

Petitioner,

v.

NICK LUDWICK,

Respondent.

CASE NO. 2:09-12842
HONORABLE PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

OPINION AND ORDER DENYING THE MOTION FOR RECONSIDERATION

On November 10, 2010, this Court denied petitioner's habeas application brought pursuant to 28 U.S.C. § 2254 with prejudice. The Court also denied petitioner a certificate of appealability and leave to appeal *in forma pauperis*. Petitioner has now filed a motion for reconsideration. For the reasons stated below, the motion is **DENIED**.

U.S. Dist.Ct. Rules, E.D. Mich. 7.1 (h) allows a party to file a motion for reconsideration. In order for a court to grant a motion for reconsideration, the movant must show (1) a palpable defect; (2) that misled the court and the parties; and (3) that correcting the defect will result in a different disposition of the case. *Sigma Financial Corp. v. American Intern. Specialty Lines Ins. Co.*, 200 F. Supp. 2d 710, 715 (E.D. Mich. 2002). A 'palpable defect' is a defect which is considered "obvious, clear, unmistakable, manifest, or plain." *Id.* As a general rule, a court will not grant a motion for rehearing or reconsideration that merely presents the same issues ruled upon by the court, either expressly or by reasonable implication. *Id.*

Petitioner's motion for reconsideration will be denied, because he is merely presenting

issues which were already ruled upon by this Court, either expressly or by reasonable implication, when the Court denied the petition for writ of habeas corpus and denied petitioner a certificate of appealability and leave to appeal *in forma pauperis*. See *Hence v. Smith*, 49 F. Supp. 2d 549, 553 (E.D. Mich. 1999).

ORDER

IT IS ORDERED that Petitioner's motion for reconsideration [Court Docket Entry # 6] is **DENIED**.

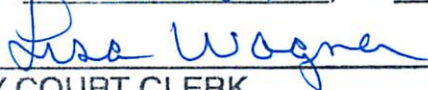
SO ORDERED.

Dated: **DEC 27 2010**



PAUL D. BORMAN
UNITED STATES DISTRICT COURT

PURSUANT TO RULE 77 (d), FED. R. CIV. P.
COPIES MAILED TO ATTORNEYS FOR ALL
PARTIES ON Dec 27, 20 10



DEPUTY COURT CLERK